

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6855**

**BILL NUMBER:** SB 175

**NOTE PREPARED:** Dec 27, 2006

**BILL AMENDED:**

**SUBJECT:** Investigatory Powers of the Secretary of State.

**FIRST AUTHOR:** Sen. Delph

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** *Secretary of State-* The bill requires the Secretary of State (SOS) to investigate complaints alleging violations of Indiana election law. The bill gives the SOS certain investigative powers, including the power to issue subpoenas and civil investigative demands.

*Attorney General-* The bill requires the Attorney General (AG) to provide legal assistance to the SOS in the investigation of complaints.

*Special Prosecutor-* The bill authorizes the SOS to seek the appointment of a special prosecutor if the SOS considers the appointment necessary in the investigation of complaints.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Secretary of State-* The bill would place additional administrative responsibilities on the SOS. The SOS would be able to implement these provisions within their existing level of resources. The SOS reverted \$149,755 to the General Fund at the end of FY 2006. The SOS reverted \$120,467 at the end of FY 2005.

The SOS may: issue subpoenas, question witnesses, require witness testimony under oath, transcribe witness testimony, investigate paper documents and electronic data, examine personal computers, issue civil investigative demands, apply to a court to enforce a subpoena, civil investigative demand, or any other investigative request, and use prosecuting attorney investigative powers.

In addition, the SOS would have the option to seek appointment of a special prosecutor to assist in

investigations (please refer to *Special Prosecutor*).

*Attorney General-* The Attorney General would be given authority to employ legal and other professional services necessary in the assistance of the SOS. Unless additional funding were provided to the AG by either legislative or administrative action, the AG would have to fund any additional services needed to assist the SOS within their existing level of resources.

*Background - Attorney General:* As of September 5, 2006, the Attorney General had 344 total employees. Of that total, 289 were full-time, 38 intermittent, 10 temporary, and 7 were on leave. The Attorney General's General Fund appropriation is \$21.4 M for FY 2007. The AG reverted \$34,631 at the end of FY 2006 and \$40,010 at the end of FY 2005 to the state General Fund.

The AG has been assisting the Lake County Prosecutor's Office in criminal investigations of vote fraud. As a result, 53 persons have been charged with criminal vote fraud in Lake County, with 10 plea agreements and one trial.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Special Prosecutor-* If a currently employed prosecutor or deputy prosecutor were appointed by a circuit or superior court judge to be a special prosecutor, the special prosecutor would be eligible for a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

The expenses incurred would be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves. The current salary of a full-time prosecuting attorney is about \$115,300. The per diem cost would be \$443 per day based on a 260-day year.

**Explanation of Local Revenues:**

**State Agencies Affected:** Secretary of State; Attorney General.

**Local Agencies Affected:** Counties, trial courts.

**Information Sources:** Jason Thompson, Office of the Attorney General, 233-2413; *State of Indiana HRM Detail Staffing Report*; State Budget Agency: *FY 2005 & FY 2006 General and Rainy Day Fund Summaries*.

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